

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 18-XXXX

Caption [use short title]

Motion for: Emergency Motion for Immediate Administrative  
Stay Pending Resolution of the Government's Petition For  
Writ of Mandamus by this Court and the Supreme Court

In re United States Department of Commerce

Set forth below precise, complete statement of relief sought:

We ask this Court to stay the district court's orders  
compelling the deposition testimony of Secretary  
of Commerce Wilbur Ross and Acting Assistant Attorney General John  
Gore, and the court's order permitting extra-record discovery  
until this Court, and, if necessary, the Supreme Court  
resolves the government's petition for the writ of mandamus.

MOVING PARTY: U.S. Dept of Commerce et al. (petitioners for writ of mandamus)☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: State of New York, et al.MOVING ATTORNEY: Mark B. SternOPPOSING ATTORNEY: Judith N. Vale

[name of attorney, with firm, address, phone number and e-mail]

U.S. Department of JusticeNew York State Office of Attorney General950 Pennsylvania Ave. NW, Washington, DC 2053028 Liberty Street, 23rd Floor, New York, NY 10005(202) 514-5089; Mark.Stern@usdoj.gov(212) 416-6274; judith.vale@ag.ny.govCourt-Judge/Agency appealed from: S.D.N.Y. Honorable Jesse M. Furman, No. 18-CV-2921 (JMF)

## Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes



No

(explain):

Opposing counsel's position on motion:



Unopposed



Opposed



Don't Know

Does opposing counsel intend to file a response:



Yes



No



Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?



Yes



No

Has this relief been previously sought in this Court?



Yes



No

Requested return date and explanation of emergency: 5pm EST Monday,October 1, 2018. The depositions of CommerceSecretary Ross and Acting AAG Gore will occurimminently, and the government intends to seekSupreme Court review if a stay is not granted.

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date:

Signature of Moving Attorney:

/s/ Mark B. SternDate: Sept. 27, 2018Service by: ☐ CM/ECF

Other [Attach proof of service]